



STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102
www.bpu.state.nj.us

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF)
COMCAST CABLEVISION OF NEW JERSEY,)
LLC FOR A CERTIFICATE OF APPROVAL)
TO CONTINUE TO CONSTRUCT, OPERATE)
AND MAINTAIN A CABLE TELEVISION)
SYSTEM IN AND FOR THE TOWNSHIP OF)
LACEY, COUNTY OF OCEAN, STATE OF)
NEW JERSEY)

RENEWAL
CERTIFICATE OF APPROVAL

DOCKET NO. CE03070543

SERVICE LIST ATTACHED

BY THE BOARD:

On January 27, 1977, the Board granted Cable Haven TV, Inc. ("Cable Haven") a Certificate of Approval in Docket No. 7312C-5066 for the construction, operation and maintenance of a cable television system in the Township of Lacey ("Township"). On January 29, 1981, the Board approved the transfer of the Certificate of Approval from Cable Haven to Clear Cable TV, Inc. ("Clear"), in Docket No. 8012C-6736. On April 19, 1984, in Docket No. 8312C-7044, the Board approved the transfer of the Certificate of Approval from Clear to Adelphia Cablevision, Inc. ("Adelphia"). In an internal reorganization approved by the Board on July 30, 1987, Adelphia transferred the Certificate from Adelphia to Clear Cablevision, Inc. d/b/a Adelphia Cable ("Clear d/b/a Adelphia"), in Docket No. CM87020085. On September 24, 1992, the Board granted Clear d/b/a Adelphia a Renewal Certificate of Approval for the Township, in Docket No. CE91121880. On December 9, 1992, the Board issued an order amending the Renewal Certificate of Approval in Docket No. CE91121880. On December 21, 2000, in Docket No.

CM00030167, the Board approved the transfer of the Certificate from Clear d/b/a Adelphia to Comcast Cablevision of New Jersey, LLC ("Petitioner"). Comcast Cablevision of New Jersey, LLC is now known as Comcast of New Jersey, LLC. Although the Petitioner's above referenced Certificate expired on September 24, 2002, it is authorized to continue to provide cable television service to the Township pursuant to N.J.S.A. 48:5A-25, pending disposition of proceedings regarding the renewal of its Certificate of Approval.

The Petitioner filed an application for the renewal of its municipal consent with the Township on December 20, 2001, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13. On May 8, 2003, after public hearing, the Township adopted an ordinance granting renewal municipal consent to the Petitioner. On May 15, 2003, the Petitioner accepted the terms and conditions of the ordinance, in accordance with N.J.S.A. 48:5A-24.

On July 15, 2003, pursuant to N.J.S.A. 48:5A-16, Petitioner filed with the Board for a renewal of its Certificate of Approval for the Township. The Board has reviewed the application for municipal consent, the petition for a Renewal Certificate of Approval and the municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board **HEREBY FINDS** the following:

1. The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Certificate of Approval. Further, these qualifications were reviewed by the Township in conjunction with the municipal consent process.
2. The design and technical specifications of the system shall ensure that the Petitioner provides safe, adequate and proper service.
3. The Petitioner has represented that all previously required construction within the franchise territory is complete.
4. The franchise period as stated in the ordinance is ten years from the date of issuance of this Certificate. The Board finds the duration to be reasonable.
5. The Petitioner shall provide service to any person's residence or business located in the franchise territory as described in the application. The Petitioner shall utilize the line extension policy ("LEP") attached to the Certificate (Appendix "I"). The minimum homes per mile ("HPM") figure is 35.
6. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain informational tariffs for unregulated service rates, and promptly file any revisions thereto.
7. Pursuant to statutory requirements, the ordinance specifies a complaint officer to receive and act upon complaints filed by subscribers in the Township. In this case, it is the Office of Cable Television. All complaints shall be received and processed in accordance with the applicable rules.
8. The Petitioner shall maintain a local business office or agent for the purpose of receiving,

investigating and resolving complaints. The local offices currently satisfying this provision are located at: 830 Route 37 West in Toms River, New Jersey and the Whiting Shopping Center on Route 530 in Manchester Township, New Jersey.

9. The franchise fee to be paid to the Township is specified to be 2% of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in the Township. Additional regulatory fees shall be paid to the State in an amount not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.
10. The Petitioner has agreed to provide public, educational and governmental ("PEG") access channels and facilities in accordance with its renewal application and the ordinance. Specifically, the Petitioner shall provide a dedicated municipal access channel which is programmed by the Township Committee or its designees and a dedicated educational access channel which is programmed by the Township's Board of Education and or its designees. The Petitioner shall continue to maintain existing return lines between Lacey Township Hall and Lacey Township High School.
11. The Petitioner shall provide a grant of up to \$5,000.00 for a character generator and modulator for use in the Township's municipal building. The Petitioner shall provide a grant of up to \$5,000.00 for a character generator and modulator for use in the Township's schools. The Petitioner shall provide the Township with a grant in the amount of \$50,000.00 to fund the purchase of studio equipment for the Township's schools, which shall be paid by the Petitioner within twelve months of the issuance of the Certificate. The specific studio equipment shall be at the sole discretion of the Township's Board of Education. Upon completion of this provision, the Petitioner shall submit proof to the Office of Cable Television indicating its compliance with this provision.
12. The Petitioner shall provide the installation of one outlet and basic monthly service to each school building and library in the Township, free of charge. Each additional outlet installation shall be paid for by the institution on a cost plus labor basis. Monthly service on such additional outlets shall be charged at the regular tariffed rates for additional outlets.
13. The Petitioner shall provide the installation of one outlet and basic monthly service to each building operated by the municipality in the Township, free of charge. Each additional outlet installation shall be paid for by the institution on a cost plus labor basis. Monthly service on such additional outlets shall be charged at the regular tariffed rates for additional outlets.
14. The Petitioner shall continue to provide free Broadband Internet Access to the seven Township schools, including the Deerhead Lake Alternative Learning Center, through cable modems.
15. The Petitioner shall provide, at its sole cost, all the materials, labor, equipment and necessarily related items to complete rewiring of additions to the Township's three

elementary schools and rewiring of the high school, as described in the ordinance. The Petitioner shall also construct a fiber link between the Middle School and High School.

16. The Petitioner shall file a construction status report with the Township setting forth the status of the school construction work required by the ordinance. Said report shall be filed monthly on or before the first of each month until the completion of said work. In the event the Township determines that the Petitioner's progress is insufficient, the Township has reserved the right to seek redress administratively through the Board.
17. The Petitioner has agreed to implement a 10% discount of the basic service rate for senior citizens and disabled citizens who meet the income and residency requirements of the Pharmaceutical Assistance to the Aged and Disabled ("PAAD") program as described in the ordinance.
18. Upon reasonable written request of the Township's governing body, the Petitioner shall appear before the Mayor and Township Committee on a semiannual basis, beginning six months from the issuance of this Certificate, to discuss matters pertaining to the provision of cable service to the residents of the Township and other related issues.

Based upon these findings, the Board **HEREBY CONCLUDES** that, pursuant to N.J.S.A. 48:5A-17(a) and 28(c), the Petitioner has the municipal consent necessary to support the petition, that such consent and issuance thereof are in conformity with the requirements of N.J.S.A. 48:5A-1 et seq., that the Petitioner has complied or is ready to comply with all applicable rules and regulations imposed by or pursuant to State and federal law as preconditions for engaging in the proposed cable television operations, that the Petitioner has sufficient financial and technical capacity, meets the legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment, and is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is **HEREBY ISSUED** this Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the Township.

This Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein. The Petitioner shall adhere to the operating standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. §76.1 et seq. including but not limited to, the technical standards 47 C.F.R. §76.601 through §76.630. Any modifications to the provisions thereof shall be incorporated into this Certificate.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or the Office of Cable Television and/or the terms, conditions and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to

and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This Certificate shall expire ten years from the date of its issuance.

DATED: December 18, 2003

BOARD OF PUBLIC UTILITIES
BY:

(signed)

JEANNE M. FOX
PRESIDENT

(signed)

FREDERICK F. BUTLER
COMMISSIONER

(signed)

CAROL J. MURPHY
COMMISSIONER

(signed)

CONNIE O. HUGHES
COMMISSIONER

(signed)

JACK ALTER
COMMISSIONER

ATTEST:

(signed)

KRISTI IZZO
SECRETARY

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